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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,447

Applicant(s)

FERGUSSON ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a second office action in response to applicant's amendment filed December 23, 2005. Applicant's amendment amended claim 13 and added claim 29.

Response to Amendments

2. The objection to the specification for blank spaces is withdrawn since the respective Application numbers have now been submitted.
3. The rejection of claim 13 under U.S.C. 102(e) still stands as the amendment from "unacceptable" to "acceptable" does not affect the original rejection. It would be obvious to one of ordinary skill in the art to measure acceptable as well as unacceptable parameters.
4. Applicant's arguments with respect to the rejection of claims 1-15 and 27-28 under U.S.C. 102(e) have been fully considered and are not persuasive.
5. Applicant's arguments with respect to the rejection of claims 16-18 under U.S.C. 103(a) have been fully considered and are persuasive. The rejection is withdrawn and a new rejection had been made.
6. Applicant's arguments with respect to the rejection of claims 19-26 under U.S.C. 103(a) have been fully considered and are persuasive for a portion and not persuasive for a portion as noted below.

Response to Arguments

7. With respect to claims 1-15 and 27-28, Westerkamp (page 7, column 1, lines 14-19) teaches a data entry operator recording patient account data into a database

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system which is equivalent to a representative recording their activities in a database as the mere act of entering the patient information into the system is in fact a record of that operator's activities. In addition, Westerkamp (page 5, column 2, paragraph 2) teaches a report generated to ensure that all information was entered for the record, this is deemed equivalent to determining unacceptable activity parameters as the lack of information in the record would be an unacceptable parameter for the patient record system. In addition, Westerkamp teaches alerts which indicate that insufficient information has been entered which is deemed equivalent to an alert related to activities of representatives against unacceptable activity parameters since the alert is indicating an unacceptable condition of the information entered by the operator.

8. Independent claim 13: As already noted above, Westerkamp teaches operators (or representatives) recording information into a database which is both a record of patient information as well as a document of the work they are performing (ie their activities) and alerts that alert the operator to an unacceptable condition with the information. The acceptable condition would be for the record to contain the required information and the alert is sent when the information does not meet this acceptable parameter. In addition, if acceptable parameters are being measured, it would be obvious to one of ordinary skill in the art to also measure its antithesis. In addition, the mere act of measuring an acceptable parameter means there is a distinction being made with respect to what is unacceptable and therefore the measurement recorded and indicated could easily be either the acceptable or unacceptable value.

9. Independent claim 14: As already noted above, Westerkamp teaches the unacceptable parameter of incomplete information in the patient record and an alert being generated from this issue. Control reports are generated in conjunction with these alerts (paragraph 52). Management can modify the reports to generate various information, whether it be acceptable or unacceptable parameters, and to indicate whether or not they are met. In addition, if acceptable parameters are being measured, it would be obvious to one of ordinary skill in the art to also measure its antithesis. In addition, the mere act of measuring an acceptable parameter means there is a distinction being made with respect to what is unacceptable and therefore the measurement recorded and indicated could easily be either the acceptable or unacceptable value. Westerkamp does teach identifying one or more unacceptable parameters as noted in Figures 3a and 3b where a list of required is provided and a Report is generated with a list of incomplete items or unacceptable parameters. This is conducted as various phases of the process as also noted in Figures 4a and 4b. Again the information contained in the patient files is a record of the operator's activities. As noted in paragraph 57, the reports and alerts provide a proactive tool for management, which has the inherent feature of allowing the users of the tool: management, the ability to adjust the criteria (or parameters) the reports and alerts use.

10. Applicant's arguments with respect to the rejection of claims 16-18 under U.S.C. 103(a) have been fully considered and are persuasive. A new rejection has been documented below in section: Claim Rejections.

11. Applicant's arguments with respect to the rejection of claims 19-26 under U.S.C. 103(a) have been fully considered and are not persuasive with respect to the traverse of the rejection concerning processing financial information to provide a custom report that would allow for unacceptable activities: Westerkamp (paragraph 68) teaches the processing of reports with respect to financial information and auditing the improvements in the parameters of cash flow, bad debt reduction, and reduced costs, which are all financial parameters. Arguments with respect to Gilbert not teaching the specific parameters recited in claims 19-26 are persuasive and the rejection is withdrawn and a new rejection has been made.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-15 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Westerkamp et al (US 2002/0026328).

As per claim 1, Westerkamp teaches a method for providing supervision over the activities of a number of representatives of a business, the method comprising the steps of: providing a database (page 3, column 2, line 54), each of the number of representatives recording his/her activities in the database (page 7, column 1, lines 14-

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19); providing a number of reports, each report defining a number of unacceptable activity parameters (page 5, column 2, paragraph 2); running the number of reports against the database, each report checking the recorded activities of each representative against the number of unacceptable activity parameters defined in the report (page 7, column 2, paragraph 2); and providing a listing of alerts for only those activities in the database that fall within the unacceptable activity parameters defined in the number of reports (page 3, column 2, paragraph 1).

As per claim 2, Westerkamp teaches a method wherein the number of unacceptable activity parameters can be changed by a user or representative charged with the supervision of the activities of the number of representatives. (Westerkamp's system is a method to manage the patient account life cycle (page 2, column 2, paragraph 3) therefore it would be deemed necessary to have the ability to make changes to the parameters of the reports in order to facilitate the management of it.)

As per claim 3, Westerkamp teaches a method wherein selected reports are run against the database in a batch mode during off peak hours. (Westerkamp teaches a "day end report" as noted in Figure 4a and this would constitute an off peak time. It is also noted that it is well known at the time of the invention to print or run reports during off peak hours to minimize the "load" on the database.)

As per claim 4, Westerkamp teaches a method wherein selected reports are run against the database at a preset interval. (Figure 4a depicts reports being run at a preset interval (at the end of the day)).

As per claim 5, Westerkamp teaches a method wherein selected reports are run against the database when a representative performs a predetermined function. (Figure 2 depicts a Control Report being run once a Flashpoint is completed.)

As per claim 6, Westerkamp teaches a method of storing the listing of alerts in the database. (Page 8, column 2, #18 discloses the database manager unit generating the alert. Therefore, in order to generate the alert it would have to be stored in the system prior to sending it.)

As per claim 7, Westerkamp teaches a method of performing follow up activity for selected alerts; and recording the follow up activity for the selected alerts in the database. (See Figure 2, once the alert is sent it triggers a flashpoint and once that is complete, it triggers a report. All this information is stored in the database.)

As per claim 8, Westerkamp teaches a method of assembling a listing of alerts that were generated during a predetermined previous time period. (See Figure 4a notes a day end report, which would contain the alerts and they would be from a predetermined previous time.)

As per claim 9, Westerkamp teaches a method of identifying selected alerts using a search function. (It is noted that since the system is a database and it is well known at the time of the invention that databases can be searched that this is already disclosed by Westerkamp (page 3, column 2, line 54).)

As per claim 10, Westerkamp teaches a method of providing compliance related materials to a user. (Compliance information is provided in the form of "a set of

standards as part of the performance measures" as noted on page 6, column 1, paragraph 2.)

As per claim 11, Westerkamp teaches a method of recording when the user views or access the compliance related materials. (See page 6, column 1, paragraph 2) Once the alert is viewed, as in claim 11 above, it marks the end of the Patient Contact Phase which is recorded in the database)

As per claim 12, Westerkamp teaches a method comprising the step of accessing one or more entries in the database that correspond to a selected alert. (See page 6, column 1, paragraph 2) Staff views the alerts (which are related to the compliance material).)

As per claim 13, Westerkamp teaches a method for providing supervision over the activities of a number of representatives of a business, the method comprising the steps of: providing a database (page 3, column 2, line 54), each of the number of representatives recording his/her activities in the database (page 7, column 1, lines 14-19); providing a number of reports, each report defining a number of acceptable activity parameters (page 5, column 2, paragraph 2); running the number of reports against the database, each report checking the recorded activities of each representative against the number of unacceptable activity parameters defined in the report (page 7, column 2, paragraph 2); and providing a listing of alerts for only those activities in the database that fall outside of the acceptable activity parameters defined in the number of reports (page 3, column 2, paragraph 1, since anything that is outside the acceptable area is within the unacceptable area.)

As per claim 14, Westerkamp teaches a method for providing a report used by a supervisor for supervising the activities of a number of representatives of a business, wherein each of the number of representatives records his/her activities in the database, the method comprising: identifying one or more unacceptable activities; defining one or more unacceptable activity parameters for detecting the one or more unacceptable activities when the report is run against the database; (In order for the report to be run as mentioned in Westerkamp (page 7, column 2, paragraph 2), a parameter would have to have been identified and defined) determining which of the unacceptable activity parameters can be changed by the supervisor, resulting in one or more changeable activity parameters; and generating the report, the report including the one or more unacceptable activity parameters including one or more of the changeable activity parameters. (It is noted that the report criteria can be edited by one with the proper authority since the intent of Westerkamp's system is a method to manage the patient account life cycle (page 2, column 2, paragraph 3) therefore it would be deemed necessary to have the ability to make changes to the parameters of the reports.)

As per claim 15, Westerkamp teaches a method wherein the report is adapted to provide an alert for those activities in the database that fall within the unacceptable activity parameters defined in the report. (See page 3, column 2, paragraph 1.)

As per claim 27, Westerkamp teaches a method for providing a report used by a supervisor for supervising the activities of a number of representatives of a business, wherein each of the number of representatives records his/her activities in the

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database, the method comprising: identifying one or more acceptable activities; defining one or more acceptable activity parameters for detecting the one or more acceptable activities when the report is run against the database (In order for the report to be run as mentioned in Westerkamp (page 7, column 2, paragraph 2), a parameter would have to have been identified and defined); determining which of the acceptable activity parameters can be changed by the supervisor, resulting in one or more changeable activity parameters; and generating the report, the report including the one or more acceptable activity parameters including one or more of the changeable activity parameters. (It is noted that the report criteria can be edited by one with the proper authority since the intent of Westerkamp's system is a method to manage the patient account life cycle (page 2, column 2, paragraph 3) therefore it would be deemed necessary to have the ability to make changes to the parameters of the reports.)

As per claim 28, Westerkamp teaches a method wherein the report is adapted to provide an alert for those activities in the database that fall outside of the acceptable activity parameters defined in the report. ((See page 3, column 2, paragraph 1) If it falls within the acceptable area, it must be outside the acceptable area.)

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 16-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerkamp in view of LaFore et al (US 2002/0032640).

As per claim 16, Westerkamp does not explicitly teach the business is a financial services firm and the representatives are brokers. LaFore teaches that it is known that the business is a financial services firm and the representatives are brokers (paragraph 12: "broker representatives" and "trade record data"). LaFore is an analogous art as it also teaches the management of accounts via a database system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database system of Westerkamp with the financial and broker features of LaFore to provide a more inclusive database system for customer information.

As per claim 17 and 18, Westerkamp does not explicitly teach specific financial account data and maintaining a record of the trade. LaFore teaches that it is known that the database includes account numbers and date of birth of the customer as well as recording the trade by the representative (paragraph 3-4: "Section 17(a)(1) of the Securities Exchange Act of 1934 ("Exchange Act") requires registered broker dealers to make, keep, furnish and disseminate records and reports prescribed by the SEC "as necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Exchange Act." Rules 17(a)(3) and 17(a)(4) of the Exchange Act specify minimum requirements with respect to the records that broker-dealers must keep, as well as the periods during which those records and other documents relating to the broker-dealers' business must be

preserved. The SEC, self-regulatory organizations ("SROs"), and state securities regulators must have timely access to these records to conduct effective examinations involving broker enforcement actions. Rule 17(a)(3) requires broker-dealers to generate local office blotters, record supplemental information on brokerage order memoranda, create customer account forms, and maintain additional records concerning associated persons, customer complaints, and exceptional activity in customer accounts. Furthermore, the rule requires that broker-dealers designate a principal to be responsible for books and records compliance, and requires broker-dealers to make certain records available to each of their local offices. The rules are even requiring the monitoring and reporting of electronic mail (e-mail) correspondence to and from a broker." Whereby the customer account forms would include date of birth as this is pertinent information for record keeping purposes.). LaFore is an analogous art as it also teaches the management of accounts via a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database system as taught by Westerkamp with the account number, date of birth and trade recording features as taught by LaFore since such a modification would provide a more inclusive database system for customer information.

As per claim 29, Westerkamp does not explicitly teach an alert not connected to a data field. LaFore teaches that it is known to have an alert that corresponds to an activity other than neglecting to enter information in data fields in a customer account (See Figure 27 which is an audit report. This report alerts the viewer to all transactions conducted. Paragraph 103: "FIG. 27 illustrates a user interface screen or display

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showing a information which is a complete audit trail of modifications made to an example trade record once the trade record has been initially created by the representative and stored in the main database. This audit trail may be in the form of a audit report 210 which lists all activity with regard to the particular trade record. As shown, this audit report 210 identifies the particular trade record, all modifications made to the trade record by identification of the person or persons modifying the trade record, and the date and time on which the trade record was modified. As mentioned above, each and every modification made to a trade record is stored in the main database, to include changes made by a user having administrator level privileges. This type of complete audit trail provides security regulators the opportunity to see the "life history" of a trade record, and further prevents any unauthorized tampering of trade records. Of course, at some point in time, trade records no longer need to be kept in accordance with SEC guidelines. Accordingly, the administrator may, at the appropriate time, delete an entire trade record history, but does not have the capability to delete selected data fields showing modifications to a particular trade record. In this way, tampering is also prevented with regard to "active" trade records being maintained by the data processing system because the entire life history is preserved until such point in time when the trade record no longer must be maintained. Because deletion of trade records can only be accomplished by an administrator in accordance with the authorizations provided by the data processing system, this prevents a larger group of other users from having the ability to destroy trade records."). LaFore is an analogous art as it also teaches the management of accounts via a database system.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database system as taught by Westerkamp with the alert features as taught by LaFore since such a modification would provide a more user-friendly database system.

As per claims 19-20 and 22-26, Westerkamp teaches having a customer database which can generate various reports, but does not explicitly teach specific unacceptable activities of: too much trading by older customers, date of birth and number of trades, date of birth on or before the parameter and exceeds the number of trades parameter, a margin balance that is too large relative to the equity value, too many Annuity 1035 exchanges, too much trade activity in discretionary accounts, and having too many unacceptable activities in a set time period. LaFore teaches user-configurable (paragraph 15: "The data processing system maintains records on client information such as names, addresses, types of investments, trade activity, funds availability, investment objectives, as further discussed below. In addition, the data processing system generates reports on daily trade activity, production/activity by stockbroker, activity by client and by almost any other category which has been designated a data field within the data processing system." Whereby the system generates reports on any category that there is a data field for including the client information and trade activity.). LaFore is an analogous art as it also teaches the management of accounts via a database system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database of Westerkamp with the financial information of LaFore to provide a more

user-friendly system of a custom-designed report that would allow for the segregating of unacceptable activities.

As per claim 21, Westerkamp does not explicitly teach changing parameters by a supervisor. LaFore teaches that it is known to change date of birth and number of trades parameters by a supervisor (paragraph 101: "A person granted administrator level privileges is able to access all user screens and to edit or ad trade records, or change other data such as client or broker profiles." A supervisor would likely be granted administrator privileges and are able to change other data which may include the criteria for the reports). LaFore is an analogous art as it also teaches the management of accounts via a database system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database of Westerkamp with the supervisor modification feature of LaFore to provide a more user-friendly database system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about financial transaction databases: Shah et al (US 6,947,902), Baker et al (US 6,405,204), Gilbert et al (US 2003/0105692), Gilbert et al (US 2003/0018557)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

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January 6, 2006


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